

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

# SHARNETTE HANDY HALL,

**Plaintiff,**

**V.**

**CITY OF WILMINGTON, a municipal government; MONICA GONZALEZ GILLESPIE, individually and in her official capacity as the Director of Personnel for the City of Wilmington; and FRANKLIN AMPADU, M.D., individually and in his official capacity as the Police Surgeon for the City of Wilmington,**

## Defendants.

1  
 2  
 3  
 4  
 5  
 6  
 7  
 8  
 9  
 10  
 11  
 12  
 13  
 14  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25  
 26  
 27  
 28  
 29  
 30  
 31  
 32  
 33  
 34  
 35  
 36  
 37  
 38  
 39  
 40  
 41  
 42  
 43  
 44  
 45  
 46  
 47  
 48  
 49  
 50  
 51  
 52  
 53  
 54  
 55  
 56  
 57  
 58  
 59  
 60  
 61  
 62  
 63  
 64  
 65  
 66  
 67  
 68  
 69  
 70  
 71  
 72  
 73  
 74  
 75  
 76  
 77  
 78  
 79  
 80  
 81  
 82  
 83  
 84  
 85  
 86  
 87  
 88  
 89  
 90  
 91  
 92  
 93  
 94  
 95  
 96  
 97  
 98  
 99  
 100  
 101  
 102  
 103  
 104  
 105  
 106  
 107  
 108  
 109  
 110  
 111  
 112  
 113  
 114  
 115  
 116  
 117  
 118  
 119  
 120  
 121  
 122  
 123  
 124  
 125  
 126  
 127  
 128  
 129  
 130  
 131  
 132  
 133  
 134  
 135  
 136  
 137  
 138  
 139  
 140  
 141  
 142  
 143  
 144  
 145  
 146  
 147  
 148  
 149  
 150  
 151  
 152  
 153  
 154  
 155  
 156  
 157  
 158  
 159  
 160  
 161  
 162  
 163  
 164  
 165  
 166  
 167  
 168  
 169  
 170  
 171  
 172  
 173  
 174  
 175  
 176  
 177  
 178  
 179  
 180  
 181  
 182  
 183  
 184  
 185  
 186  
 187  
 188  
 189  
 190  
 191  
 192  
 193  
 194  
 195  
 196  
 197  
 198  
 199  
 200  
 201  
 202  
 203  
 204  
 205  
 206  
 207  
 208  
 209  
 210  
 211  
 212  
 213  
 214  
 215  
 216  
 217  
 218  
 219  
 220  
 221  
 222  
 223  
 224  
 225  
 226  
 227  
 228  
 229  
 230  
 231  
 232  
 233  
 234  
 235  
 236  
 237  
 238  
 239  
 240  
 241  
 242  
 243  
 244  
 245  
 246  
 247  
 248  
 249  
 250  
 251  
 252  
 253  
 254  
 255  
 256  
 257  
 258  
 259  
 260  
 261  
 262  
 263  
 264  
 265  
 266  
 267  
 268  
 269  
 270  
 271  
 272  
 273  
 274  
 275  
 276  
 277  
 278  
 279  
 280  
 281  
 282  
 283  
 284  
 285  
 286  
 287  
 288  
 289  
 290  
 291  
 292  
 293  
 294  
 295  
 296  
 297  
 298  
 299  
 300  
 301  
 302  
 303  
 304  
 305  
 306  
 307  
 308  
 309  
 310  
 311  
 312  
 313  
 314  
 315  
 316  
 317  
 318  
 319  
 320  
 321  
 322  
 323  
 324  
 325  
 326  
 327  
 328  
 329  
 330  
 331  
 332  
 333  
 334  
 335  
 336  
 337  
 338  
 339  
 340  
 341  
 342  
 343  
 344  
 345  
 346  
 347  
 348  
 349  
 350  
 351  
 352  
 353  
 354  
 355  
 356  
 357  
 358  
 359  
 360  
 361  
 362  
 363  
 364  
 365  
 366  
 367  
 368  
 369  
 370  
 371  
 372  
 373  
 374  
 375  
 376  
 377  
 378  
 379  
 380  
 381  
 382  
 383  
 384  
 385  
 386  
 387  
 388  
 389  
 390  
 391  
 392  
 393  
 394  
 395  
 396  
 397  
 398  
 399  
 400  
 401  
 402  
 403  
 404  
 405  
 406  
 407  
 408  
 409  
 410  
 411  
 412  
 413  
 414  
 415  
 416  
 417  
 418  
 419  
 420  
 421  
 422  
 423  
 424  
 425  
 426  
 427  
 428  
 429  
 430  
 431  
 432  
 433  
 434  
 435  
 436  
 437  
 438  
 439  
 440  
 441  
 442  
 443  
 444  
 445  
 446  
 447  
 448  
 449  
 450  
 451  
 452  
 453  
 454  
 455  
 456  
 457  
 458  
 459  
 460  
 461  
 462  
 463  
 464  
 465  
 466  
 467  
 468  
 469  
 470  
 471  
 472  
 473  
 474  
 475  
 476  
 477  
 478  
 479  
 480  
 481  
 482  
 483  
 484  
 485  
 486  
 487  
 488  
 489  
 490  
 491  
 492  
 493  
 494  
 495  
 496  
 497  
 498  
 499  
 500  
 501  
 502  
 503  
 504  
 505  
 506  
 507  
 508  
 509  
 510  
 511  
 512  
 513  
 514  
 515  
 516  
 517  
 518  
 519  
 520  
 521  
 522  
 523  
 524  
 525

**Civil Action No. 08-186 GMS**  
**Jury Trial Demanded**

**PLAINTIFF'S FIRST SET OF INTERROGATORIES  
DIRECTED TO DEFENDANT MONICA GONZALEZ GILLESPIE**

Pursuant to Federal Civil Procedure Rule 33, Plaintiff hereby directs defendant Monica Gonzalez Gillespie, to serve answers to the following interrogatories upon Plaintiff's counsel within thirty (30) days of service of these interrogatories upon you.

## DEFINITIONS AND INSTRUCTIONS

1. “Document” is used herein as that term is used under Federal Civil Procedure Rule 34.
2. “Person” refers to any person, corporation or other entity.
3. “You” or “Defendant” refers individually and collectively to each defendant, his employees, agents, and representatives.
4. “Plaintiff” refers to the Plaintiff in the above caption.

5. “Acts complained of in the complaint” refers to paragraph 30 of the Complaint which avers: Specifically, Monica Gonzalez Gillespie and the City of Wilmington were negligent in one or more of the following respects:

- a. Monica Gonzalez Gillespie knew that under City of Wilmington Code §39-126 a police officer may not be terminated and involuntarily retired without both a fair opportunity of being heard in opposition and an examination by a board of physicians. Despite this knowledge, defendant Gillespie intentionally advanced and then allowed the adverse actions described herein to occur. Plaintiff was notified on two separate occasions that her employment was terminated and she was involuntarily retired, even though defendant Gillespie knew that the City Code’s requisite provisions had not been fulfilled.
- b. Monica Gonzalez Gillespie knew or should have known that her actions or failure to act would result in retirement/termination of Plaintiff and the subsequent harm.

6. “Concerning” means relating, referring, reflecting, constituting, describing or evidencing.

7. “Identify” as applied to an individual, means to furnish his or her name, current or last-known residential and employment address and telephone number and, as applied to any entity, means to furnish the person's name, principal place of business and state of incorporation.

8. Whenever these interrogatories request you to “identify” a communication of any type and such communication was written, the following information should be provided:

- (a) the nature of the communication (*e.g.*, letter, memorandum, facsimile, telegram, etc.);
- (b) the subject matter of the communication;
- (c) the maker or originator of the communication and person(s) to whom it was directed and/or by whom it was received, including, without limitation, each person who was copied on the communication;
- (d) the date on which the communication was made; and
- (e) the person(s) having possession of the original and/or any copies of the communication.

9. Whenever these interrogatories request you to “identify” a communication of any type and such communication was oral, the following information should be provided:

- (a) the maker of the communication and to whom the communication was directed;
- (b) the subject matter and substance of the communication;
- (c) the date upon which the communication was made;
- (d) the person(s) present when the communication was made; and
- (e) whether the communication was recorded, described or summarized in a document, and if so, the identity of each such document in the fashion indicated in paragraph 7 above.

10. Whenever these interrogatories request you to “describe” or to “state with specificity and detail”, the following information should also be furnished:

- (a) the identity of all persons having knowledge of those facts; and
- (b) the identity of all documents concerning those facts.

11. Whenever these interrogatories request you to describe policies, procedures, and/or protocols of yours, include in your answer the inclusive dates during which such policies, procedures, and/or protocols were in effect.

12. If privilege is claimed as a ground for objecting to any of these interrogatories, identify the privileged document or communication by stating:

- (a) its date, and if different, the date of its preparation;
- (b) the name, address and occupation of the person(s) who prepared the document as of the time of its preparation, or who participated in the communication;
- (c) the address and occupation of the person(s) to whom the document was directed or circulated or who had access to it, or who participated in the communications;

(d) the nature of the document or communication (*e.g.*, letter, memorandum, draft, contract, telephone conversation); and

(e) the ground upon which the claim of privilege is made.

13. These interrogatories are deemed to be continuing, and whenever additional information responsive hereto but not supplied is obtained or becomes known to you, such information should be supplied in writing and under oath, as though expressly requested by separate interrogatories.

## **INTERROGATORIES**

### **Section I – Communications**

1. Identify each communication you have had **with the Plaintiff** concerning the medical evaluation of the Plaintiff for the purpose of termination/involuntary retirement, including without limitation, method of the communication (written, fax, e-mail etc.), substance of the communication, and participating persons, and identify all documents concerning each such communication.

#### **ANSWER:**

2. Identify each communication you have had **with any healthcare provider**, concerning the medical evaluation of Plaintiff for the purpose of termination/involuntary retirement for medical reasons by date, method of the communication (*e.g.* written, fax, e-mail etc.), substance of the communication, and participating persons, and identify all documents concerning each such communication.

#### **ANSWER:**

3. Identify each person with whom you discussed the medical evaluation of Plaintiff for the purpose of termination/involuntary retirement and for each such person state:

- (a) the name of the person;
- (b) the date(s) of such discussion;

- (c) the nature of each such discussion;
- (d) the names of all persons present; and
- (e) all documents concerning each discussion.

**ANSWER:**

4. Identify each statement that you have given to anyone other than your attorney concerning the medical evaluation of the Plaintiff for the purpose of termination/involuntary retirement and identify any person with knowledge of the statement.

**ANSWER:**

**Section II – Activities**

5. Identify each person who participated in the medical evaluation of the Plaintiff for the purpose of termination/involuntary retirement and describe such participation with specificity and detail.

**ANSWER:**

6. Identify each person, by name, position, and employer, who was responsible in any way for the medical evaluation of Plaintiff for the purpose of termination/involuntary retirement, and identify all documents that refer or relate to the issue of who had this responsibility.

**ANSWER:**

7. Identify by name, position, and employer, all persons that were responsible for the documentation of the method and/or any complications encountered in the medical evaluation of the Plaintiff for the purpose of termination/involuntary retirement.

**ANSWER:**

8. Identify all other employees that were terminated and/or involuntarily retired for medical reasons, of which you have knowledge, direct or indirect and regardless of the source, and identify all documents that refer or relate to each such employee. In identifying all such employees, state the date of the termination/involuntary retirement and identify the employees by name, position, and department:

(a)

(b)

(c)

(d)

**ANSWER:**

9. Identify all persons that participated in and all documents that refer or relate to the training and/or education of all persons that participated in the medical evaluation of Plaintiff for the purpose of termination/involuntary retirement.

**ANSWER:**

**Section III - Contentions**

10. If you contend that the Plaintiff acted in such a manner as to cause or contribute to any act or omission of any nature complained of in the complaint, or of any damage alleged to have been sustained in the Complaint, please give a concise statement of the facts upon which you rely for this contention, and provide the name, address and telephone number of any persons with knowledge of said facts.

**ANSWER:**

11. List each of the following:

- (a) the name and present or last-known residential and employment address and telephone number of each person who has given to you, any agent or employee of you, your attorney or any person acting on your behalf, any statements, medical reports, voice recordings, medical proof of claim forms, reports or memoranda in any way concerning the facts relating to this litigation;
- (b) the date of each such statement, medical report, voice recording, medical proof of claim form, report or memoranda; and
- (c) the name, last known residential and employment address and telephone number of the person(s) who now has possession of the same.

**ANSWER:**



12. Identify by date, author, and number of pages all reports of any kind concerning the medical evaluation of Plaintiff for the purposes of termination/involuntary retirement for medical reasons.

**ANSWER:**

13. State whether any hearings, meetings, inquiries, or conferences (collectively “meetings”) were held wherein the adequacy of the medical evaluation of Plaintiff for the purpose of termination/involuntary retirement was referred or related to, and if so, identify the persons present, and the date, places, nature and purpose of said meetings, whether such were recorded or transcribed, and the conclusion of same.

**ANSWER:**

14. Describe with specificity the involvement of PMA Management Corporation (“PMA”) in the plaintiff’s termination/involuntary retirement process and whether PMA was aware that Plaintiff was being medically evaluated for the purpose of termination/involuntary retirement under City of Wilmington Code §§39-126. If you contend that PMA was aware, identify who at PMA was informed of such and the manner of notice.

**ANSWER:**

15. Identify who rescinded Plaintiff's March 2007 termination/involuntary retirement and the reasons why it was rescinded.

**ANSWER:**

16. Identify who made the decision that Plaintiff could be terminated/involuntarily retired from employment in August 2007.

**ANSWER:**

17. Identify the person(s) who

- (a) created the Board of Physicians report in this matter; and
- (b) signed the Board of Physicians report in this matter.

**ANSWER:**

18. Identify who made the decision that the medical evaluation of Plaintiff by the board of physicians met the requirements as provided in City of Wilmington Code §39-126.

**ANSWER:**

19. Identify who was responsible for determination of Plaintiff's economic payouts, such as vacation pay, holiday pay, compensatory time payment, etc. following Plaintiff's termination/involuntary retirement.

**ANSWER:**

20. Identify and explain to your knowledge

(a) when (what date) the City issued payment to Plaintiff for her final economic payouts, such as vacation pay, holiday pay, compensatory time payment, etc.,

and

(b) why the economic payouts were not paid to Plaintiff prior to that date.

**ANSWER:**

21. Identify who was responsible from the City for the initial processing of Plaintiff's disability pension application documents.

**ANSWER:**

22. Identify and explain to your knowledge

(a) when (what date) the City provided Plaintiff with a disability pension application, and

(b) why the disability pension documents were not provided to Plaintiff prior to that date.

**ANSWER:**

23. Identify when (what date) you first became aware that Dr. John Moore was disputing the information that was attributed to him as contained within the board of physicians report concerning Plaintiff.

**ANSWER:**

24. Once you became aware that Dr. John Moore was disputing the information that was attributed to him as contained within the board of physician's report, what steps if any did you take in response to learning that information.

**ANSWER:**

### **Section III – Background**

25. State with specificity and detail your professional training, qualifications and experience, including:

(a) each university or college attended by you, each degree awarded to you and the date of each degree;

- (b) each professional society or association of which you are or have been a member and the inclusive dates of the membership;
- (c) each committee or board on which you are or have been a member.

**ANSWER:**

RONALD STONER, P.A.

/s/ Ronald Stoner  
Ronald Stoner, Esq., DE 2818  
1107 Polly Drummond Plaza  
Newark, Delaware 19711  
(302) 369-6400  
Attorney for Plaintiff

DATED: July 16, 2008